BEFORE THE WEST VIRGINIA SUPREME COURT OF APPEALS

STATE OF WEST VIRGINIA ex rel.
STATE OF WEST VIRGINIA,

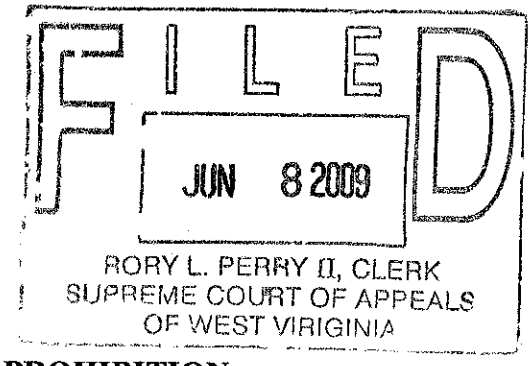
Petitioner,

v.

DOCKET NO.:

HONORABLE JACK ALSOP,
Circuit Judge, 14th Judicial Circuit,
JERRY RICK MEADOWS,
MARY MEADOWS,
JOZET GILLION, and
GERALD FAULKNER

Respondents.



PETITION FOR WRIT OF PROHIBITION,
MOTION FOR STAY
AND MEMORANDUM OF LAW

Dwayne C. Vandevender
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I. KIND OF PROCEEDING AND NATURE OF THE RULING BELOW

The respondents Jerry Rick Meadows, Mary Meadows, Jozet Gillion and Gerald Faulkner are criminal defendants ("defendants"), indicted at the May 2009 term of the Webster County Grand Jury in a joint indictment containing twenty-four felony counts for various offenses related to delivery of controlled substances and conspiracy to deliver controlled substances, which crimes are alleged to have occurred between November 2008 and January 2009 in Webster County. [State vs. Jerry Rick Meadows, Case No.: 09-F-27, State vs. Mary Meadows, Case No.: 09-F-28, State vs. Jozet Gilliom, Case No.: 09-F-29, State vs. Gerald Faulkner, Case No.: 09-F-30. A copy of the joint indictment is attached hereto as Exhibit One] The defendants Jerry Rick Meadows, Mary Meadows and Jozet Gillion were arraigned on May 15, 2009, and the defendant, Gerald Faulkner, was arraigned on May 22, 2009. A joint trial for all four defendants has been scheduled for August 18, 2009 and a pre-trial hearing is set for July 24, 2009.

In each of the defendants' arraignment orders the Circuit Court set a discovery schedule as follows:

1. Trial of this matter shall begin on August 18, 2009, at 9:00 a.m.;
2. The defendant shall file any discovery motions within 20 days hereof, and the State shall respond to the same within 20 days thereafter, ***including the name and address of the confidential informant***; (emphasis added)
3. All pre-trial motions shall be filed on or by July 17, 2009;
4. Any pre-trial motions not filed or properly set for hearing shall be deemed waived.

In each case, the State of West Virginia objected to the Court's ruling requiring the State to disclose the name and address of the confidential informants involved in the cases in initial discovery. In each case, the Court noted and preserved the State's objection to the ruling. [Copies of the arraignment orders are attached hereto as Exhibits Two through Five]

II. STATEMENT OF THE FACTS

1. The defendants were just indicted, in a twenty-four count joint indictment, in the May 2009 term of court for various felony offenses related to delivery of controlled substances and conspiracy to deliver controlled substances.

2. The defendants, Jerry Rick Meadows, Mary Meadows and Jozet Gillion were arraigned before the Circuit Court on May 15, 2009. The defendant, Gerald Faulkner, was arraigned before the Circuit Court on May 22, 2009. Trial for all four defendants was scheduled for August 18, 2009.

3. Multiple confidential informants were used by the Central West Virginia Drug Task Force and the West Virginia State Police, Bureau of Criminal Investigations to allegedly purchase various controlled substances from the defendants between November 2008 and January 2009.

4. In felony drug cases in Webster County, the State of West Virginia has a long-standing practice and understanding with defense counsel that the State will not disclose the identity or location of confidential informants pending the conclusion of plea negotiations. If plea negotiations are unsuccessful, the State has always disclosed the names and addresses of the confidential informants in a timely manner prior to trial and the Circuit Court has never been required to enter an order to compel disclosure of the informants.

5. Although the State of West Virginia has, in the past, not disclosed the name and address of confidential informants during plea negotiations, the State has always disclosed redacted versions of any written or verbal agreements with confidential informants. The only information redacted from the disclosures is identifying information.

6. Although the State of West Virginia has, in the past, not disclosed the name and address of confidential informants during plea negotiations, the State has, as a practice, disclosed a redacted version of the criminal record of the informant. The only information redacted from the disclosures is identifying information.

7. Although the State of West Virginia has, in the past, not disclosed the name and address of confidential informants during plea negotiations, the State has always disclosed the existence of any audio or video recordings of "drugs buys" made from defendants. Further, the State has always permitted defense counsel to view and listen to any audio or video recordings and has permitted the defendants to view, without audio, any video recordings. If requested, the State has also provided written transcripts of any audio or video recordings.

8. During the January 2009 term of Court, the Circuit Court called into question the

State's method of disclosure in drug related cases and, without any objection from the State, began requiring the State to insert the following paragraph into all written plea agreements involving "drug buys":

> The defendant and the State acknowledge that the defendant has an absolute right to disclosure of the identity of the confidential informant in this case. The defendant hereby waives his right to receive any information regarding the identity of the confidential informant. The defendant understands that, by waiving this right, he cannot later complain that he did not receive that information or that his counsel was ineffective for failing to obtain that information prior to entering a plea.

9. During the May 2009 term of Court, the Circuit Court entered orders in the instant cases, over the objection of the State, requiring the State to disclose identities and addresses of all confidential informants in each case, which disclosures were to be contained in the initial discovery response.

10. In a previous, unrelated case of State v. Massie, Case Number 09-F-4, the Circuit Court summarily denied a motion by the State to reconsider the Court's order to disclose the name of the confidential informant. In that order the Court indicated that the State would be precluded from calling the confidential informant as a witness if the disclosure was not made. Therefore, the State believes that the Circuit Court would preclude the State from calling the confidential informants in the instant cases if the State does not disclose their names and addresses in initial discovery, thus resulting in irreparable harm to the State.

III. THE ISSUE PRESENTED

WHETHER THE CIRCUIT COURT EXCEEDED ITS LEGITIMATE POWER IN ORDERING THAT THE NAMES AND ADDRESSES OF CONFIDENTIAL INFORMANTS IN DRUG CASES BE DISCLOSED IN THE STATE'S INITIAL DISCOVERY RESPONSES, PRIOR TO THE CONCLUSION OF PLEA NEGOTIATIONS?

IV. AUTHORITIES RELIED UPON

Woodall v. Laurita, 156 W.Va. 707, 195 S.E.2d 717 (1973)

State Farm Mutual Automobile Ins. Co. v. Stephens, 188 W.Va. 622, 425 S.E.2d 577 (1992)

State ex rel.McCormick, Relator v. Zakaib, 189 W.Va. 258, 430 S.E.2d 316 (1993)

State v. Dudick, 158 W.Va. 629, 213 S.E.2d 458 (1975)

Crawford v. Taylor, 138 W. Va. 207, 75 S.E.2d 370 (1953).

State v. Haverty, W.Va., 165 W. Va. 164, 267 S.E.2d 727 (1980)

State v. Tamez, 169 W.Va. 382, 290 S.E.2d 14 (1982).

State v. Hardesty, 194 W.Va. 732, 461 S.E.2d 478 (1995)

W. Va. Rules of Criminal Procedure - Rule 16

V. ARGUMENT

THE CIRCUIT COURT EXCEEDED ITS LEGITIMATE POWER IN ORDERING THAT THE NAMES AND ADDRESSES OF CONFIDENTIAL INFORMANTS IN DRUG CASES BE DISCLOSED IN THE STATE'S INITIAL DISCOVERY RESPONSES, PRIOR TO THE CONCLUSION OF PLEA NEGOTIATIONS.

A. The Legal Standard.

The standard followed by this Court in determining whether to exercise its discretion to grant the extraordinary remedy of a writ of prohibition regarding discovery issues is:

> Where prohibition is sought to restrain a trial court from the abuse of its legitimate powers, rather than to challenge its jurisdiction, the appellate court will review each case on its own particular facts to determine whether a remedy by appeal is both available and adequate, and only if the appellate court determines that the abuse of powers is so flagrant and violative of petitioner's rights as to make a remedy by appeal inadequate, will a writ of prohibition issue." Syl. pt. 2, > Woodall v. Laurita, 156 W.Va. 707, 195 S.E.2d 717 (1973)
>
> A writ of prohibition is available to correct a clear legal error resulting from a trial court's substantial abuse of its discretion in regard to discovery orders." Syllabus Point 1, > State Farm Mutual Automobile Insurance Co. v. Stephens, 188 W.Va. 622, 425 S.E.2d 577 (1992); Syllabus Point 3, > State ex rel.McCormick, Relator v. Zakaib, 189 W.Va. 258, 430 S.E.2d 316 (1993)
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> The extraordinary writ of prohibition is further limited:
>
> Prohibition lies only to restrain inferior courts from proceeding in causes over which they have no jurisdiction, or, in which having jurisdiction, they are exceeding their legitimate powers and may not be used as a substitute for [a petition for appeal] or certiorari.' Syllabus Point 1, *Crawford v. Taylor*, 138 W. Va. 207, 75 S.E.2d 370 (1953). " Syl. Pt. 1, SER Bosley v. Willett, 204 W. Va. 662, 515 S.E.2d 825 (1999).

B. The Trial Court Exceeded it Legitimate Power in ordering disclosure of the names and address of confidential informants in the State's initial discovery response.

Rule 16 of the West Virginia Rules of Criminal Procedure clearly indicates that discovery in criminal cases is only triggered "upon request of a defendant." By mere implication from reading Rule 16, a criminal defendant could choose to waive all discovery and proceed to trial. Thus, a criminal defendant could also choose to waive discovery regarding the identity and address of a confidential informant during the plea negotiation process. The Court's order in

these cases presupposes the defendant's choice to waive receipt of the information and enter into plea negotiations with the State and, effectively, removes that decision from the parties.

The State wishes to be clear. The State does not dispute the fact that, upon request of the defendant, the State must provide the identity of confidential informants to the defendant. The State certainly believes that the Court is correct in its assertion that such information is necessary to the defendant's preparation for trial in cases where the informant was a direct participant in the drug transaction. However, the State believes that the parties have the right to agree to non-disclosure of the information during the course of plea negotiations. The State further believes that it has a legitimate interest in protecting, as much as possible, the identity of confidential informants that have provided assistance to the State.

The State also wishes to be clear that the State does not dispute the previous rulings of the Circuit Court, in unrelated criminal cases, requiring the State to insert language in the written plea agreement notifying the defendant of his or her right to receive the identity of the confidential informant and the consequences of waiver thereof. The State believes that such a requirement is a prudent course of action that fully informs the defendant of his or her rights and balances the defendant's right to receive or waive discovery with the State's interest in protecting informant's identities

This Court has previously recognized that the State may have legitimate objections to the disclosure of certain information during the course of discovery in criminal cases.

> In recent years this Court has tended to look with increasing favor upon the liberal use of discretion in criminal discovery while recognizing that the philosophy of full disclosure applicable to civil cases as embodied in the West Virginia Rules of Civil Procedure is inappropriate in criminal cases. > ([FN3]) The primary[158 W.Va. 637] objection to full discovery in criminal cases has been that discovery would: (1) lead to perjury and the suppression of evidence; (2) promote the intimidation of witnesses; (3) give an unfair advantage to criminal defendants since there is no reciprocal right for the prosecution; and (4) require the prosecution to disclose its privileged work product. > ([FN4]) ***In some instances these objections are well founded***, particularly in situations involving organized crime where the defendant has resources available in the underworld for the purpose of frustrating the judicial system. Accordingly, subject to the Constitutional rule on exculpatory evidence announced in Brady and its progeny, Supra, and > W.Va.Code, 62--1B--2 (1965) > ([FN5]) we reaffirm, in conformity with the weight of American precedent, that pretrial discovery is within the sound discretion of the trial court. > State v. Dudick, 158 W.Va. 629, 213 S.E.2d 458 (1975)
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> In syllabus point one of State v. Haverty, W.Va., 165 W. Va. 164, 267 S.E.2d 727 (1980)

this Court note that "A common law privilege is accorded the government against the disclosure of the identity of an informant who has furnished information concerning violations of law to officers charged with the enforcement of the law. However, disclosure may be required where the defendant's case could be jeopardized by nondisclosure." The point was reiterated in syllabus point one of State v. Tamez, 169 W.Va. 382, 290 S.E.2d 14 (1982).

The Haverty Court further stated:

> It is generally recognized that a common law privilege is accorded the government against the disclosure of the identity of an informant who has furnished information concerning violations of law to officers charged with the enforcement of the law. > Roviaro v. United States, 353 U.S. 53, 77 S.Ct. 623, 1 L.Ed.2d 639 (1957); Annot., 76 A.L.R.2d 262 (1961); McCormick, Evidence (2d ed. 1972) at 236. > ([FN2]) We recognized this general rule in State ex rel. [165 W.Va. 168] Lykens v. Bouchelle, 122 W.Va. 498, 11 S.E.2d 119 (1940)> To view preceding link please click here , and > State v. Paun, 109 W.Va. 606, 155 S.E. 656 (1930). In the second syllabus of Paun, we stated:
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> "The proper administration of the law ordinarily forbids requiring an officer to disclose his source of information regarding a crime."
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> Roviaro recognized the rationale behind the rule as this:
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> "The purpose of the privilege is the furtherance and protection of the public interest in effective law enforcement. The privilege recognizes the obligation of citizens to communicate their knowledge of the commission of crimes to law-enforcement officials and, by preserving their anonymity, encourages them to perform that obligation." (> 353 U.S. at 59, 77 S.Ct. at 627, 1 L.Ed.2d at 644).
>
> Other courts have acknowledged that included within the ambit of the privilege is the professional undercover informant who is a source of police intelligence on criminal activities in the community. E. g., > United States v. Prueitt, 540 F.2d 995, 1004 (9th Cir. 1976); > United States v. Fischer, 531 F.2d 783 (5th Cir. 1976); > United States v. Tucker, 380 F.2d 206 (2d Cir. 1967); > People v. Lewis, 57 Ill.2d 232, 311 N.E.2d 685 (1974); > Commonwealth v. Johnson, 365 Mass. 534, 313 N.E.2d 571 (1974); cf. > McCray v. Illinois, 386 U.S. 300, 87 S.Ct. 1056, 18 L.Ed.2d 62 (1967).
>
> > [2] The privilege, however, is not absolute, since disclosure may be required where the defendant's case could be jeopardized by nondisclosure. Roviaro provided the following balancing test:
>
> "We believe that no fixed rule with respect to disclosure is justifiable. The problem is one that calls for balancing the public interest in protecting the flow of information against the individual's right to prepare his defense. Whether a proper balance renders nondisclosure erroneous must depend on the particular circumstances of each case, taking into consideration the crime charged, the possible defenses, the possible significance[165 W.Va. 169] of the informer's testimony, and other relevant factors." (> 353 U.S. at 62, 77 S.Ct. at 628-29, 1 L.Ed.2d at 646).

In citing with favor the American Bar Association Standards for Criminal Justice the Tamez Court noted:

In Vol. II American Bar Association Standards For Criminal Justice 11-2.6(b) (2nd ed. 1980), the following standard, with respect to the disclosure of the identity of a confidential informant, provides, in part: "Disclosure of an informant's identity shall not be required where such identity is a prosecution secret and where a failure to disclose will not infringe the constitutional rights of the accused." > (FN7) That standard results in the need for a [169 W.Va. 393] procedure by which the trial court may rule upon the disclosure issue.

In footnote seven the Tamez Court stated:

In Vol. II American Bar Association Standards For Criminal Justice, supra, the following commentary appears with respect to standard 11-2.6(b):

Paragraph (b) protects the identity of an informant under appropriate circumstances. ***The prosecutor is interested in protecting the identity of informants in order to create a climate in which informants will be willing to cooperate with police and prosecution authorities without fear of retaliation from defendants. Because the cooperation of informants has proved to be valuable in law enforcement efforts, the prosecution has a legitimate interest in protecting the informant.*** The standard recognizes that interest by protecting the identity of informants. In cases where either the existence of the informant or the nature and extent of the information supplied by the informant have been questioned by the defense, the court may use the in camera proceedings authorized by standard 11-4.6 in order to preserve the informant's anonymity while obtaining the verification requested by the defense.

In cases where the identity of the informant has not been kept secret, no legitimate prosecutorial interest is served by declining to name the informant. Similarly, the prosecutor's interest in secrecy may be outweighed by the defendant's interest in discovering the facts of the offense where the informant was either a participant or intimately involved in the underlying offense. Finally, the informant exemption does not apply where the prosecutor intends to breach the secret of the informant's identity by having the informant testify at a hearing or a trial ***(but the prosecutor may apply, pursuant to standard 11-4.4, for a protective order to delay the disclosure of the informant's identity).***

Few states require automatic disclosure of the identity of an informant upon request of defense counsel. However, some states have recognized that the defendant's right to compulsory process may require production of the informant. In camera proceedings and other innovative procedures have been established to accommodate the conflicting interests of the defendant and the state. (Emphasis added.)

Based upon the aforementioned precedents the Tamez Court noted in, syllabus point three, the need for a procedure to establish a balancing test regarding the disclosure of confidential informants stating:

When the State in a criminal action refuses to disclose to the defendant the identity of an informant, the trial court upon motion shall conduct an in camera inspection of written statements submitted by the State as to why discovery by the defendant of the identity of the informant should be restricted or not permitted. A record shall be made of both the in court proceedings and the statements inspected in camera upon the [169 W.Va. 383] disclosure issue. Upon the entry of an order granting to the State nondisclosure to the defendant of the identity of the informant, the entire record of the in camera inspection shall be sealed, preserved in the records of the court, and made available to this Court in the event of an

appeal. ***In ruling upon the issue of disclosure of the identity of an informant, the trial court shall balance the need of the State for nondisclosure in the promotion of law enforcement with the consequences of nondisclosure upon the defendant's ability to receive a fair trial.*** The resolution of the disclosure issue shall rest within the sound discretion of the trial court, and only an abuse of discretion will result in reversal. (Emphasis Added)

In the instant cases the State asserts that it has a legitimate interest in the protection of the identity of the confidential informants during the course of plea negotiations. The chilling effect of ordering the automatic disclosure of confidential informants at the outset of every case would be potentially devastating on the State's ability to obtain confidential informants. While some informants may still be willing to work in order to resolve criminal cases, others, especially those whose only incentive to work is their desire to do the right thing, would most certainly be hesitant, if not completely deterred from participating when they are told that their names will be automatically ordered disclosed in every criminal case resulting from their efforts. Further, by ordering the automatic disclosure of confidential informants at the outset of every case, many informants, who would have been otherwise protected by their anonymity, will be exposed to potential threats or retaliation. By withholding the identity of confidential informants during plea negotiations the State would be able to protect the identity of informants in some eight to ninety percent of all cases.

The Circuit Court did not conduct any in camera hearing or balancing test to determine the need of the State versus the rights of the defendant. The State asserts that any such a test to fairly balance the various needs and rights under the facts set forth herein would certainly have to determine that the needs of the State in protecting anonymity, during the course of plea negotiations, outweighs the rights of, or possible prejudice to the defendant in receiving such information. Naturally, as trial dates approach, the scales would tip and the State should be required to provide the names of the informants. However, those names are not essential to plea negotiations, especially in light of the fact that the State discloses other information about the informants relating to their possible bias, motive for working as informants and criminal histories.

Further, there is no prejudice to the defendant since the State stands ready to disclose the names of informants upon notification by defense counsel that plea negotiations have failed or that the defendant does not desire to enter into plea negotiations. However, to promote informed

plea negotiations it is necessary for the State to provide an initial discovery answer to the defendants so that they may have as much information as possible to assist them in their decision regarding plea negotiations. The State cannot provide an initial discovery response that both aids in plea negotiations and protects the identity of the informants without violating the Circuit Court's order requiring disclosure of the names. By ruling as it did, the Circuit Court has removed all discretion from the parties in coming to such agreements.

In fairness to the Circuit Court the State would note that, in other unrelated criminal cases during the January 2009 term of Court, the Court expressed concern that the State's practice of refusing to enter into plea negotiations if required to disclose the names of informants was "heavy handed." However, in State v. Hardesty, 194 W.Va. 732, 461 S.E.2d 478 (1995), this Court noted a similar procedure raised as an issue by the defendant. The defendant in the Hardesty case complained regarding audio tapes of "drugs buys" for which she was convicted. In refusing to address the issue the Court noted:

> The appellant's trial counsel was permitted to listen to the audio tapes but was not furnished copies of the tapes. Moreover, the appellant was not permitted to listen to the tapes. ***The State imposed these restrictions for the purpose of protecting the informant's identity.*** The appellant now claims that these restrictions prevented an effective cross examination of Task Force members regarding their interpretation of the tapes and prevented the development of a proper explanation of the tapes' numerous unintelligible portions. We do not wholly dismiss the possible merit in these contentions. However, the factual record runs counter to the appellant's claims regarding the lack of opportunity for reviewing the tapes. On 29 October 1993, the State disclosed the existence of the tapes. Yet, the appellant's counsel did not request the tapes until approximately two weeks prior to trial. Consequently, the appellant assumed any disadvantage resulting from the "late" opportunity for reviewing the tapes.
>
> The appellant also contends prejudice resulted from the fact that she was not personally permitted to listen to the tapes. Once again, the appellant failed to properly preserve or develop this issue for appeal. The record contains no motion in which the appellant asks the court to order the State to permit her to personally listen to the tapes. More importantly, the record contains no indication the appellant informed the circuit court that she needed the tapes for the specific purpose of preparing a transcript representing her version of the conversations recorded on the tapes. In the absence of such a motion grounded in a specific need for the appellant's personal access to the tapes, and in the absence of a record exploring the validity of the State's claim of protecting the informant's identity, this Court lacks the means of addressing this issue. (Emphasis Added)

Admittedly, the Hardesty opinion indicates that, if the defendant had filed a motion to compel the State to permit access to the tapes and created a proper record, the Court may have required access to the tapes. However, the Court does not give any indication that the procedure

was unfair or "heavy handed." The Court simply notes that "The State imposed these restrictions for the purpose of protecting the informant's identity."

As a practice the State in these cases usually and admittedly imposes similar restrictions prior to the completion of plea negotiations. However, none of these cases have or would ever proceed to the necessity of the defendant filing a motion to compel. The defendant is free, at any time, to notify the State that he or she wishes to receive the informant's identity and proceed to trial.

In the instant cases the Circuit Court has disregarded the procedures and balancing tests set forth in Haverty and Tamez and has ordered the informants' identities disclosed at the outset of discovery. Although the Court should have conducted the appropriate hearing and balancing tests prior to ordering disclosure, the State does not believe the same to have been necessary until such time as the defendant has filed a motion to compel and the State has refused to disclose the information. As a practical matter, none of the instant cases would ever progress to that point since, upon request of the defendant, the State would have voluntarily disclosed the information.

However, in order to be able to both answer initial discovery and proceed with plea negotiations without disclosing the identity of the confidential informant the State must have protection from the Circuit Court's discovery order. The only possible protection available to the State is a Writ of Prohibition from this Court either prohibiting the order of disclosure of the names of the informant or delaying imposition of that order pending plea negotiations and/or notification from defense counsel that the defendant wishes to forego plea negotiations and receive that information.

VI. PRAYER FOR RELIEF.

WHEREFORE, your petitioner prays that this Honorable Court: 1) issue a rule to show cause directing the respondents to show cause if they can as to why the Writ of Prohibition should not be granted; 2) issue a temporary stay pursuant to **W.V.R.App.** 6(a), relieving the State from providing the names and addresses of confidential informants in the initial discovery responses ordered by the Circuit Court until this matter is decided or until defense counsel informs the State that the defendants wish to forego further plea negotiations and receive the information requested; and 3) grant the Writ of Prohibition to prohibit the respondent Circuit

Court Judge from ordering the disclosure of the names and addresses of confidential informants in initial discovery at the outset of every case, without a specific request for the same by the defendant.

Respectfully submitted,
State of West Virginia, by counsel,

Dwayne C. Vandevender
Webster County Prosecuting Attorney
State Bar No.: 7244
137 South Main St.
Webster Springs, West Virginia 26288
304-847-7164

MEMORANDUM OF ADDRESSES FOR RULE TO SHOW CAUSE SERVICE

Respondent:

Honorable Jack Alsop, Judge
Webster County Circuit Court
2 Court Square
Webster Springs, West Virginia 26288

Petitioner:

State of West Virginia
Dwayne C. Vandevender
Prosecuting Attorney
137 South Main St.
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For the defendants:

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Daniel Grindo
Counsel for Gerald Faulkner
622 Elk Street
Gassaway, WV 26624

VERIFICATION

I, the undersigned, hereby state that the facts alleged in the foregoing petition are true to the best of my knowledge, or if upon information and belief, are believed to be true.

DWAYNE C. VANDEVENDER

Taken, sworn and subscribed to before me this 5th day of June, 2009.

NOTARY PUBLIC

My commission expires April 17, 2019.

OFFICIAL SEAL
STATE OF WEST VIRGINIA
NOTARY PUBLIC
JEANNETTE J. HALL
Webster County Prosecuting Attorney
Webster Springs, WV 26288
My commission expires April 17, 2019

EXHIBITS

ON

FILE IN THE

CLERK'S OFFICE